

MICHIGAN SUPREME COURT



Office of Public Information

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PROPOSED CRIMINAL PROCEDURE RULES ON AGENDA FOR MAY 27 SUPREME COURT HEARING

LANSING, MI, May 24, 2004 – Proposed changes to the Michigan Rules of Criminal Procedure, including a new rule that would allow witnesses to testify in criminal cases by two-way video, will get a public hearing before the Michigan Supreme Court this week, in its courtroom on the 6th floor of the Michigan Hall of Justice.

On May 27, starting at 9:30 a.m., the Court will conduct a public administrative hearing on a number of proposed court rules, including changes to Michigan Court Rule (MCR) 2.511 and Chapter 6 of the Michigan Court Rules, which governs criminal cases (**File no. 2003-04**). The rules package is the work of the Committee on the Rules of Criminal Procedure, a group of attorneys, judges, and law professors appointed by the Michigan Supreme Court in 2002 to study current criminal procedure rules.

One proposed new rule, MCR 6.006, would allow courts to take video testimony from a witness at another location “[s]o long as the defendant is either present in the courtroom or has waived his or her right to be present” The rule would apply in criminal trials where the parties consent to the witness testifying by video, “or where the court determines that so proceeding would not violate the rights of the defendant to confrontation of the witnesses against him or her.” A staff comment to the proposed rules states that the Supreme Court “is concerned about the confrontation clause implications of this proposal” and is seeking comment.

The Court will also consider a proposed ethics rule change for judges that would prohibit a candidate for judicial office from paying an organization for its endorsement (**File no. 2001-04**). The proposed change, which would revise Canon 7 of the Michigan Code of Judicial Conduct, would allow a candidate to “contribute campaign funds to pay some or the costs associated with the publication of the endorsement,” provided that the endorsing organization does not make payment a condition of the endorsement.

The Court invites members of the public to appear and share their views on agenda items. Speakers will have three minutes each to present their views; Supreme Court Justices may ask questions of the speakers. Anyone wishing to speak at the hearing should contact the Clerk of the

Court at P.O. Box 30052, Lansing, Michigan 48909 or at MSC_clerk@courts.mi.gov, no later than Tuesday, May 25. The full hearing agenda may be viewed at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/PublicHearings/052704-LansingRevised.pdf>

Other proposed rules on the agenda are aimed at:

- In termination of parental rights cases, imposing the same deadline for filing a claim of appeal on both retained and court-appointed counsel. **(File no. 2003-25)**
- Complying with a revision to the state Paternity Act by retaining a court rule change that eliminated jury trials in paternity cases. **(File no. 2003- 57)**
- Amending MCR 5.125 to add insurance companies and similar entities to the list of “interested persons” probate courts must notify when holding proceedings to examine a fiduciary’s account of an estate. The proposed rule would define “interested persons” to include “such other persons whose interests are affected by the relief requested, including insurers who might be subject to financial obligations” if the court approves the fiduciary’s account. **(File no. 2003-60)**
- Permitting attorneys who are 70 years of age or older, or who have been members of the State Bar of Michigan for 30 years or more, to elect “emeritus status.” Those who choose to go on “emeritus status” would be exempt from paying State Bar dues and would be ineligible to practice law in Michigan, but would receive publications and other benefits accorded State Bar members. **(File no. 2004-16)**
- Allowing the State Bar to mail delinquent dues notices by first-class mail, rather than by registered or certified mail, to inactive members. **(File no. 2004-02)**

For more information on proposed court rules, please visit the “One Court of Justice” web site. Proposed court rules may be viewed at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>

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